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VIA AIR MAIL

Prof. Joshua Lederberg
Department of Genetics
Stanford University Medical Center
Stanford, Calif. 94305

Dear Professor Lederberg:

Thank you very much for writing me on both my presentation before the AAAS and on the possibility of misuse of medical data held by selective service boards.

To cover the easier one first, I know of no specific abuses in this area nor do I know of any societies which are concerning themselves with this issue. I plan to bring your letter to the attention of the Steering Committee of the Council of Health Organizations (which includes representatives from the Medical Committee for Human Rights, the Physicians Forum, and the Physicians for Social Responsibility) of which I am a member. If the Council, or any of the constituent organizations, decide to take any action in this area I will keep you fully informed. Again, my congratulations on your efforts in these areas.

With regard to the AAAS Statement, I am enclosing a copy so that you can read ~~the~~ the entire argument which leads up to my proposal. I must object to your calling it "Klaus Fuchs logic" because Fuchs, in secrecy, conveyed information to a single other power. My proposal is that this information should be openly conveyed to an international body for international publication. I believe the similarities between this and what Fuchs did, without commenting on the propriety or lack of propriety of what he did, ~~are~~ are very small.

Clearly I am in favor of the internalization of international law within each country's domestic system. However there will always be countries which will choose to live outside the framework of either written or customary international law. Under such circumstances, I said, and I still believe, a scientist or physician has no choice but to disobey his national law if necessary to comply with the international law. The classical example, of course, is that of Nazi Germany in which the national law demanded genocide and customary international law forbade it; there is very little question in my mind that under these circumstances the national law should have been

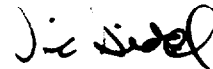
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broken and the customary international law honored. The situation will of course not be quite so clear-cut in relation to other conflicts between national law and international law, but this in my view does not relieve the individual of the responsibility of making conscious ethical choices where conflicts occur. I would therefore rephrase your criticism that the person who respects international law ~~is as~~ contrary to his national laws is "placing himself above the law." I would rather suggest that those who obey national laws, even though they know them to be contrary to the international laws of humanity, are placing themselves above the law, and are doing it in the most cowardly sort of way, hoping that their nation's unlawful posture will protect them from the consequences of their own wrong-doing.*

I doubt that we are as far apart on this issue as it would appear from this exchange of correspondence. In any event we will have a chance to discuss it, both in public and I hope in private, when we are both part of the panel at Stanford University on Saturday, February 7. I'm looking forward to it.

Sincerely,



Victor W. Sidel, M.D.

VWS:sw
encl.

* It's fascinating that as unlikely a source as The Minneapolis Star (see attached clipping) seemed to follow - and report - the essence of the argument.